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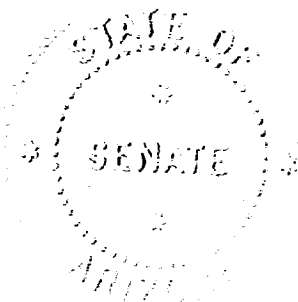
CHAPTER 147

HOUSE BILL 2507

AN ACT

AMENDING SECTIONS 42-6106, 48-5302, 48-5303, 48-5304, 48-5308 AND 48-5309, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 30, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 48-5314 AND 48-5315; RELATING TO REGIONAL TRANSPORTATION AUTHORITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 42-6106, Arizona Revised Statutes, is amended to
3 read:

4 42-6106. County transportation excise tax; county population
5 requirements

6 A. In a county with a population exceeding four hundred thousand but
7 fewer than one million two hundred thousand persons, if a ~~majority of~~
8 APPROVED BY the qualified electors voting at a countywide special election,
9 ~~or a majority of the qualified electors voting on the ballot proposition at~~
10 ~~a general election, approves the transportation excise tax, the regional~~
11 ~~transportation authority IN THE COUNTY shall levy AND THE DEPARTMENT SHALL~~
12 ~~COLLECT A TRANSPORTATION EXCISE TAX up to the rate authorized by this section~~
13 ~~IN ADDITION TO ALL OTHER TAXES. only with subsequent levy authority subject~~
14 ~~to prior legislative authorization, and the department shall collect a tax:~~

15 B. THE TAX SHALL BE LEVIED AND COLLECTED:

16 1. At a rate of not more than ten per cent of the transaction
17 privilege tax rate prescribed by section 42-5010, subsection A in effect on
18 January 1, 1990: applying

19 (a) To each person engaging or continuing in the county in a business
20 taxed under chapter 5, article 1 of this title.

21 (b) EXCEPT THAT FOR THE PURPOSES OF THIS PARAGRAPH WITH RESPECT TO THE
22 PRIME CONTRACTING CLASSIFICATION UNDER SECTION 42-5075, THE GROSS PROCEEDS
23 OF SALES OR GROSS INCOME THAT IS DEDUCTIBLE PURSUANT TO SECTION 42-5075,
24 SUBSECTION B, PARAGRAPH 8 OR PURSUANT TO SECTION 42-5061, SUBSECTION A,
25 PARAGRAPH 27 FOR SALES TO A CONTRACTOR WHO IS EXEMPT UNDER SECTION 42-5075,
26 SUBSECTION B, PARAGRAPH 8 SHALL BE INCLUDED IN THE TAX BASE FOR PURPOSES OF
27 THIS PARAGRAPH.

28 2. In the case of persons subject to the tax imposed under section
29 42-5352, subsection A, at a rate of not more than .305 cents per gallon of
30 jet fuel sold.

31 3. On the use or consumption of electricity or natural gas by retail
32 electric or natural gas customers in the county who are subject to use tax
33 under section 42-5155, at a rate equal to the transaction privilege tax rate
34 under paragraph 1 applying to persons engaging or continuing in the county
35 in the utilities transaction privilege tax classification.

36 ~~B.~~ C. Any subsequent reduction in the transaction privilege tax rate
37 PRESCRIBED BY CHAPTER 5, ARTICLE 1 OF THIS TITLE shall not reduce the tax
38 which is approved and collected as prescribed in this section. The
39 department shall collect the tax at a variable rate if the variable rate is
40 specified in the ballot proposition. The department shall collect the tax
41 at a modified rate if approved by a majority of the qualified electors
42 voting.

43 ~~C.~~ D. The net revenues collected under this section shall be
44 deposited in the regional transportation fund pursuant to section 48-5307.

1 D. E. The tax shall be levied under this section beginning January
2 1 or July 1, whichever date occurs first after approval by the voters, and
3 may be in effect for a period of not more than ten TWENTY years.

4 Sec. 2. Section 48-5302, Arizona Revised Statutes, is amended to read:

5 48-5302. Regional transportation authority in counties with
6 population of more than four hundred thousand but
7 less than one million two hundred thousand persons;
8 establishment

9 A. A regional transportation authority is established in a county with
10 a population of more than four hundred thousand but less than one million two
11 hundred thousand persons.

12 B. An authority is a public, political, tax levying public improvement
13 and taxing subdivision of this state and a municipal corporation to the
14 extent of the powers and privileges conferred by this chapter or granted
15 generally by the constitution and statutes of this state, including immunity
16 of its property and the interest income and gain on its bonds from taxation.

17 C. The membership of the authority consists of each municipality in
18 the county, and the county AND ANY OTHER MEMBERS OF THE REGIONAL COUNCIL OF
19 GOVERNMENTS. The authority may operate in all areas of the county in which
20 it is organized.

21 D. The executive director of the regional council of governments acts
22 as the executive director of the authority and serves in that specific role
23 until replaced at the discretion of the board of the regional council of
24 governments.

25 Sec. 3. Section 48-5303, Arizona Revised Statutes, is amended to read:

26 48-5303 Board of directors; executive director

27 A. ~~In a county,~~ The government of the authority is vested in a board
28 of directors composed of the members of ~~the member jurisdictions~~ of the
29 regional council of governments with one vote each when determining
30 transportation policy as the regional transportation authority.

31 B. The members of the board shall:

32 1. Appoint a chairman from among the members at the first official
33 meeting of the board.

34 2. By rule determine its officers, terms and procedures of
35 appointment.

36 Sec. 4. Section 48-5304, Arizona Revised Statutes, is amended to read:

37 48-5304. Board duties

38 The board shall:

39 1. Determine the exclusive public transportation systems to be
40 acquired and constructed, the means to finance the systems and whether to
41 operate the systems or to let contracts for their operation. In the
42 operation of the public transportation system the board may use public
43 transportation facilities used by a municipality, subject to section 48-5308,
44 subsection F.

1 2. Approve a request for an election to the board of supervisors
2 ~~contingent on formal approval, including approval of proposed elements for~~
3 ~~the ten year regional transportation plan, of the request by the county and~~
4 ~~the city with the largest population in the county for submission of the~~
5 ~~following issues to the electorate:~~

6 (a) Approval of a transportation excise tax authorized by section
7 42-6106.

8 (b) Approval of elements of the ~~ten year regional transportation plan~~
9 ~~developed pursuant to section 48-5309 as the ten year regional transportation~~
10 ~~plan.~~

11 (c) Approval of changes in the ~~ten year regional transportation plan~~
12 ~~pursuant to section 48-5309, subsection B.~~

13 3. Produce annually a five year transportation improvement program
14 that is consistent with the ~~ten year regional transportation plan elements~~
15 ~~approved by a majority of the qualified electors~~ and that contains the
16 following:

17 (a) Projects financed with monies from the regional transportation
18 fund.

19 (b) A description of each project, including a schedule of
20 expenditures and sources of funding for each project.

21 (c) The political subdivision with responsibility for project
22 implementation.

23 4. Assure that projects proposed for federal, state or local funding
24 appear in the ~~regional transportation authority's~~ transportation improvement
25 program and in the transportation improvement program of the regional council
26 of governments.

27 5. Not later than January 1 of each year for publication in at least
28 two newspapers of the county in January, assess and analyze the status and
29 implications of the transportation improvement program with respect to the
30 occurrence of substantial change as defined in section 48-5309 and with
31 respect to the potential for or occurrence of the following conditions:

32 (a) An actual project expenditure that exceeds the project budget
33 amount shown in the first year of the transportation improvement program by
34 five per cent or more.

35 (b) A project cost amount that exceeds by ten per cent or more the
36 project budget amount that appears in the first year of the transportation
37 improvement program.

38 (c) First year and five year cumulative projected expenditures for all
39 elements of the ~~ten year regional transportation plan~~ in the five year
40 transportation improvement program that exceed revenue estimates for
41 corresponding periods by twenty per cent or more.

42 6. ~~Provide for development of a supplement DEVELOP SUPPLEMENTS to the~~
43 ~~ten year regional transportation plan developed pursuant to section 48-5309~~
44 ~~and approved as the ten year regional transportation plan by a majority of~~
45 ~~the qualified electors voting that encompasses that encompass a period of~~

1 ~~such duration as is necessary to be~~ TIME THAT IS coterminous with the
2 effective period of a transportation excise tax approved pursuant to section
3 42-6106. ~~Provision for development of the A supplement shall be made not BE~~
4 DEVELOPED earlier than the fourth year and not later than the second year
5 before the expiration of the ~~ten-year~~ regional transportation plan.

6 7. Adopt an annual budget, hire employees and fix the compensation of
7 its employees.

8 8. Cause a postaudit of the financial transactions and records of the
9 board AUTHORITY to be made at least annually by a certified public
10 accountant.

11 9. Adopt rules that are proper or necessary to regulate the use,
12 operation and maintenance of its property and facilities, including its
13 public transportation systems and related transportation facilities and
14 services operating in its area of jurisdiction, and to carry into effect the
15 powers granted to the board.

16 10. PROVIDE OPPORTUNITIES FOR INVOLVEMENT IN ALL ASPECTS OF THE
17 PLANNING AND AMENDMENT PROCESS BY ALL AFFECTED INTERESTED PARTIES.

18 ~~10.~~ 11. Appoint advisory committees as it deems necessary.

19 ~~11.~~ 12. Have sole authority to implement the elements of the ~~ten-year~~
20 regional transportation plan ~~approved by a majority of the qualified electors~~
21 ~~voting~~, including authority to contract for, absorb or acquire existing
22 public transportation services as it deems necessary.

23 ~~12.~~ 13. Coordinate the implementation of the regional transportation
24 plan among the local jurisdictions.

25 ~~13.~~ 14. Contract for financial, administrative, underwriting and trust
26 services necessary to issue bonds pursuant to sections 48-5341 through
27 48-5347 and administer the regional transportation fund pursuant to section
28 48-5307, subsection B.

29 ~~14.~~ 15. Hire legal counsel to represent the authority in any legal
30 proceeding, accountants and other professional personnel as it deems
31 necessary.

32 ~~15.~~ 16. Set the priorities of the plan and administer and facilitate
33 the distribution of monies in the regional transportation fund.

34 ~~16.~~ 17. Delegate to the ~~general manager~~ EXECUTIVE DIRECTOR any of the
35 administrative functions, powers or duties that the board believes the
36 ~~general manager~~ EXECUTIVE DIRECTOR can competently, efficiently and properly
37 perform.

38 ~~17.~~ 18. Contract and enter into stipulations of any nature necessary
39 ~~and convenient~~ for the full exercise of the powers granted in this chapter.

40 ~~18.~~ 19. Do all things necessary to carry out the purposes of this
41 chapter.

1 Sec. 5. Section 48-5308, Arizona Revised Statutes, is amended to read:
2 48-5308. Distribution from regional transportation fund

3 A. All monies in the bond account of the regional transportation fund
4 shall be held in trust for the owners of the bonds. Monies in the bond
5 account:

6 1. Shall be paid out to paying agents or directly to the owners of the
7 bonds pursuant to the resolution or resolutions of the board authorizing the
8 issuance of the bonds.

9 2. May be used to pay bond related expenses or recurring expenses
10 pertaining to administration and payment of the bonds.

11 B. Monies in the bond proceeds account of the regional transportation
12 fund may be obligated or spent as directed by the board for the purposes
13 provided by subsection C of this section.

14 C. Except as provided in subsection D of this section, monies in the
15 construction account of the regional transportation fund shall be spent,
16 pledged or accumulated for the design, right-of-way purchase, construction,
17 operation, maintenance and contiguous open space preservation purchase
18 compatible with local environmental ordinance OF, AND within the expenditure
19 limits for, each element of the ~~ten year~~ regional transportation plan, ~~of~~
20 ~~each element approved by a majority of the qualified electors voting at a~~
21 ~~special or general election.~~

22 D. Notwithstanding any other law, from the monies deposited in the
23 construction account of the regional transportation fund in each fiscal year,
24 the board shall distribute:

25 1. To each municipality, excluding the municipality that has the
26 largest population in the county, the greater amount of one per cent of the
27 revenues collected from the transportation excise tax authorized pursuant to
28 section 42-6106 or three hundred thousand dollars, to be used for purposes
29 consistent with subsection C of this section.

30 2. An amount of not more than three hundred thousand dollars to the
31 regional council of governments to hire professional planning, technical and
32 administrative staff required to accomplish plan development for the
33 authority pursuant to section 48-5309 and to perform the responsibilities as
34 the authority may require.

35 E. The three hundred thousand dollar distributions prescribed by
36 subsection D of this section are subject to:

37 1. Proration for any fiscal year in which a transportation excise tax
38 authorized pursuant to section 42-6106 is collected for less than a full
39 fiscal year.

40 2. Adjustment by the annual percentage change for the previous
41 calendar year in the GDP price deflator, as defined in section 41-563, for
42 each fiscal year after the first full fiscal year in which the transportation
43 excise tax is collected.

44 F. ~~After the first June 30 BEGINNING WITH THE FIRST FISCAL YEAR~~
45 ~~following voter approval of the REGIONAL TRANSPORTATION plan as provided in~~

1 ~~section 42-6106~~, monies appropriated for each of the following purposes, if
2 approved by a majority of the qualified electors voting at a special or
3 general election, by each municipality or the county of IN the authority
4 shall not be less than the total amount of general monies spent for those
5 purposes in that municipality or county for fiscal year ~~1989-1990~~ 2003-2004
6 adjusted by the annual percentage change for the previous calendar year in
7 the GDP price deflator as defined in section 41-563:

8 1. Roadway improvements, including controlled access highways,
9 parkways and controlled access arterials, arterial upgrades and related grade
10 separations.

11 2. Transit improvements for buses, including expansion of the bus
12 fleet and its associated maintenance facility, expansion of express routes
13 and associated connecting terminals, ridesharing, van pool fleet acquisition,
14 including special projects for the handicapped and elderly, and park and ride
15 lots.

16 3. An express and light rail system.

17 4. Bicycle projects, including striped lanes on arterials,
18 neighborhood bike routes and planning of bikeways focused on major regional
19 activity center destinations.

20 5. Pedestrian projects on arterial and collector streets, neighborhood
21 walkways and walkways focused on major regional activity center destinations.

22 Sec. 6. Section 48-5309, Arizona Revised Statutes, is amended to read:

23 48-5309. Regional transportation plan; definition

24 A. The authority shall develop a ~~ten~~ TWENTY year regional
25 transportation plan ~~for implementation~~ that is SUBJECT TO APPROVAL BY THE
26 QUALIFIED ELECTORS OF THE COUNTY AND financed by a transportation excise tax
27 approved pursuant to section 42-6106 and bonds issued pursuant to sections
28 ~~48-5341 through 48-5347~~ ARTICLE 2 OF THIS CHAPTER. The ~~ten year~~ regional
29 transportation plan:

30 1. MAY GIVE PRIORITY TO MULTIMODAL TRANSPORTATION OPERATIONS AND
31 IMPROVEMENTS ALONG CORRIDORS WHERE SEVENTY-FIVE PER CENT OR MORE OF THE
32 ADJACENT CENSUS TRACTS HAD A POPULATION DENSITY OF AT LEAST THREE THOUSAND
33 PERSONS PER SQUARE MILE ACCORDING TO THE MOST RECENT UNITED STATES DECENNIAL
34 CENSUS.

35 ~~1.~~ 2. Shall include a public transportation component.

36 ~~2.~~ 3. May, among other things:

37 (a) Define and identify regional transportation corridors.

38 (b) Define the transportation problems, goals and needs for each
39 corridor.

40 (c) Determine environmental, economic, energy and social policies to
41 guide transportation investment decisions.

42 (d) Determine the impact of the plan on air quality, with one of the
43 goals of the plan being the improvement of air quality.

44 ~~(e)~~ (e) Order the priority of regional transportation corridors for
45 development.

1 (f) Determine the mix of alternative transportation modes appropriate
2 for development ~~in light of~~ CONSISTENT WITH the transportation goals and
3 needs for each corridor. The mix may include sidewalks, rail service, buses,
4 vans, para-transit, park and ride lots, bicycle facilities and any other
5 facility or service reasonably related to transportation.

6 (g) Select appropriate public transportation technology.

7 (h) Determine the capacity for exclusive public transportation
8 technologies.

9 (i) Determine operating performance criteria and costs for public
10 transportation systems.

11 (j) Locate routes and access points to the public transportation
12 systems.

13 (k) Determine the ridership of public transportation systems.

14 (l) Determine the need for landscape buffers, noise barriers,
15 pedestrian bypasses, multi-use MULTIUSE paths and other environmental impact
16 mitigation measures relating to the regional transportation plan.

17 ~~B. A ten-year THE regional transportation plan that is approved by a~~
18 ~~majority of the qualified electors voting on submission of the plan adopted~~
19 ~~by the regional planning agency may not be amended to add or delete an~~
20 ~~element or substantially change an element without prior approval of the~~
21 ~~electorate at a general or special election. Voter approval of an amendment~~
22 ~~or a substantial change shall be sought pursuant to subsection F D of this~~
23 ~~section.~~

24 ~~C. The prior approval of the electorate required by THIS subsection~~
25 ~~of this section is waived if a political subdivision causing changes within~~
26 ~~its jurisdiction to the ten-year regional transportation plan incurs the~~
27 ~~incremental costs of implementing the proposed changes.~~

28 ~~D. Within the time intervals specified by this subsection from the~~
29 ~~date of approval of a transportation excise tax as provided in section~~
30 ~~42-6106, the regional transportation authority shall not distribute from the~~
31 ~~aggregate of transportation excise tax monies received at any time by the~~
32 ~~regional transportation fund an amount of monies that exceeds the percentage~~
33 ~~share of the transportation excise tax approved by a majority of the~~
34 ~~qualified electors voting for a transportation element of the ten-year~~
35 ~~regional transportation plan by a relative percentage in excess of the~~
36 ~~percentage specified for the following time intervals:~~

37 ~~1. Three years or less, fifteen per cent.~~

38 ~~2. More than three years but not more than five years, ten per cent.~~

39 ~~3. More than five years but not more than seven years, five per cent.~~

40 ~~4. More than seven years but not more than nine years, two per cent.~~

41 ~~5. More than nine years but not more than ten years, zero per cent.~~

42 ~~E. C. The proposition for a revised ten-year regional transportation~~
43 ~~plan considered at an election held pursuant to subsection F D of this~~
44 ~~section shall adhere to the format applicable to the ballot proposition~~

1 approved by a majority of the qualified electors voting on the initial ten
2 year regional transportation plan.

3 ~~F. D. If one or more of the conditions specified by subsection G of~~
4 ~~this section occur~~ A SUBSTANTIAL CHANGE OCCURS, the board of the authority
5 DIRECTORS shall request the county board of supervisors to provide a ballot
6 proposition for consideration of a revised ten year regional transportation
7 plan on or before the date of the next general election. ~~If The board of~~
8 ~~supervisors fails to~~ SHALL provide the proposition at the next general
9 election. ~~or If a majority of the qualified electors voting at the election~~
10 ~~ON THE ISSUE does not approve a proposition for a revised ten year regional~~
11 ~~transportation plan, expenditures authorized pursuant to section 48-5308,~~
12 ~~subsection C, except those obligated as of the date of the general election,~~
13 ~~are prohibited.~~

14 ~~G. E. In~~ FOR THE PURPOSES OF this section, "substantial change" means
15 a change that, based on data in the transportation improvement program
16 developed pursuant to section 48-5304, paragraph 3, results in one or more
17 of the following conditions:

18 1. A present worth of estimated expenditures required to complete all
19 elements of the ten year regional transportation plan that exceeds the
20 present worth of estimated revenues available to the regional transportation
21 fund during the comparable period by ten per cent or more, except that
22 estimated revenues from bond proceeds, if any, shall not exceed the bond
23 capacity, less associated expenses, supported by estimates of unencumbered
24 revenues for the initial ten years of authorization for the transportation
25 excise tax. The preceding five year average of the GDP price deflator as
26 defined in section 41-563 shall be used to discount the respective series of
27 estimated revenues and expenditures to a present worth.

28 2. An estimated cost to complete one or more elements of the ten year
29 regional transportation plan ~~as approved by a majority of the qualified~~
30 ~~electors voting that exceeds the expenditure limitations of the ten year~~
31 ~~regional transportation plan as adjusted by the GDP price deflator as defined~~
32 ~~in section 41-563 by the following or greater percentages:~~

33 (a) Ten per cent for a single element of the plan.

34 (b) Fifteen per cent for any two elements of the plan.

35 (c) Twenty per cent for three or more elements of the plan.

36 Sec. 7. Title 48, chapter 30, article 1, Arizona Revised Statutes, is
37 amended by adding sections 48-5314 and 48-5315, to read:

38 48-5314. Election on regional transportation plan and excise tax

39 A. THE BOARD SHALL:

40 1. ADOPT A TWENTY YEAR COMPREHENSIVE MULTIMODAL REGIONAL
41 TRANSPORTATION PLAN CONSISTENT WITH THE REQUIREMENTS OF THIS ARTICLE,
42 INCLUDING TRANSPORTATION CORRIDORS BY PRIORITY AND A SCHEDULE INDICATING THE
43 DATES THAT CONSTRUCTION WILL BEGIN FOR PROJECTS CONTAINED IN THE PLAN.

44 2. REQUEST BY RESOLUTION CERTIFIED TO THE COUNTY BOARD OF SUPERVISORS
45 THAT THE ISSUE OF LEVYING A TRANSPORTATION EXCISE TAX PURSUANT TO SECTION

42-6106 BE SUBMITTED TO THE QUALIFIED ELECTORS AT A COUNTYWIDE SPECIAL ELECTION OR PLACED ON THE BALLOT AT A COUNTYWIDE GENERAL ELECTION. WITHIN SIX MONTHS AFTER RECEIVING A CERTIFIED COPY OF THE RESOLUTION, THE COUNTY BOARD OF SUPERVISORS SHALL EITHER CALL A SPECIAL ELECTION OR PLACE THE ISSUE ON THE BALLOT OF A GENERAL ELECTION, SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

B. THE ELECTION BALLOT SHALL INCLUDE A DESCRIPTION OF EACH TRANSPORTATION ELEMENT OF THE REGIONAL TRANSPORTATION PLAN INCLUDING A SEPARATE PERCENTAGE SHARE AND DOLLAR SHARE OF THE TRANSPORTATION EXCISE TAX REVENUES ALLOCATED TO EACH ELEMENT.

C. IN ADDITION TO ANY OTHER REQUIREMENTS PRESCRIBED BY LAW, THE COUNTY BOARD OF SUPERVISORS SHALL PREPARE AND PRINT A PUBLICITY PAMPHLET CONCERNING THE BALLOT QUESTION AND MAIL ONE COPY OF THE PAMPHLET TO EACH HOUSEHOLD CONTAINING A REGISTERED VOTER IN THE COUNTY. THE MAILINGS MAY BE MADE OVER A PERIOD OF DAYS BUT SHALL BE MAILED FOR DELIVERY BEFORE THE EARLIEST DATE REGISTERED VOTERS MAY RECEIVE EARLY BALLOTS FOR THE ELECTION. THE PUBLICITY PAMPHLET SHALL CONTAIN:

1. THE DATE OF THE ELECTION.

2. THE INDIVIDUAL HOUSEHOLD'S POLLING PLACE AND THE TIME THE POLLS WILL BE OPEN.

3. A SUMMARY OF THE PRINCIPAL PROVISIONS OF THE ISSUE PRESENTED TO THE VOTERS, INCLUDING THE RATE OF THE TRANSPORTATION EXCISE TAX, THE NUMBER OF YEARS THE TAX WILL BE IN EFFECT AND THE PROJECTED ANNUAL AND CUMULATIVE AMOUNT OF REVENUES TO BE RAISED.

4. A STATEMENT DESCRIBING THE PURPOSES FOR WHICH THE TRANSPORTATION EXCISE TAX MONIES MAY BE SPENT AS PROVIDED BY LAW, INCLUDING:

(a) A SUMMARY OF THE REGIONAL TRANSPORTATION PLAN ADOPTED PURSUANT TO SECTION 48-5309 AND SUBSECTION A OF THIS SECTION, INCLUDING A DESCRIPTION OF EACH TRANSPORTATION ELEMENT OF THE REGIONAL TRANSPORTATION PLAN.

(b) A MAP OF PROPOSED ROUTES AND TRANSPORTATION CORRIDORS OF ALL MAJOR TRANSPORTATION PROJECTS AND PUBLIC TRANSPORTATION SYSTEMS.

(c) THE PERCENTAGE SHARE AND DOLLAR AMOUNT OF TRANSPORTATION EXCISE TAX REVENUES, TOGETHER WITH OTHER IDENTIFIED REVENUES, DEDICATED FOR EACH TRANSPORTATION ELEMENT, TRANSPORTATION PROJECT AND PUBLIC TRANSPORTATION SYSTEM, AND CONDITIONS AND LIMITATIONS ON THE USE OF THE MONEY.

5. THE FORM OF THE BALLOT.

6. ANY ARGUMENTS FOR OR AGAINST THE BALLOT MEASURE. AFFIRMATIVE ARGUMENTS, ARRANGED IN THE ORDER IN WHICH THE ELECTIONS DIRECTOR RECEIVED THEM, SHALL BE PLACED BEFORE THE NEGATIVE ARGUMENTS, ALSO ARRANGED IN THE ORDER IN WHICH THEY WERE RECEIVED.

D. NOT LATER THAN NINETY DAYS BEFORE THE DATE OF THE ELECTION, A PERSON MAY FILE WITH THE COUNTY ELECTIONS DIRECTOR AN ARGUMENT, NOT MORE THAN THREE HUNDRED WORDS IN LENGTH, ADVOCATING OR OPPOSING THE BALLOT MEASURE, SUBJECT TO THE FOLLOWING REQUIREMENTS:

1 1. THE PERSON WHO FILES THE ARGUMENT SHALL ALSO PAY TO THE ELECTIONS
2 DIRECTOR A PUBLICATION FEE PRESCRIBED BY THE BOARD OF SUPERVISORS. PAYMENT
3 OF THE FEE REQUIRED BY THIS PARAGRAPH, OR REIMBURSEMENT OF THE PAYOR,
4 CONSTITUTES SPONSORSHIP OF THE ARGUMENT.

5 2. IF THE ARGUMENT IS SPONSORED BY ONE OR MORE INDIVIDUALS, THE
6 ARGUMENT SHALL BE SIGNED BY EACH SPONSORING INDIVIDUAL.

7 3. IF THE ARGUMENT IS SPONSORED BY ONE OR MORE ORGANIZATIONS, THE
8 ARGUMENT SHALL BE SIGNED BY TWO EXECUTIVE OFFICERS OF EACH ORGANIZATION.

9 4. IF THE ARGUMENT IS SPONSORED BY ONE OR MORE POLITICAL COMMITTEES,
10 THE ARGUMENT SHALL BE SIGNED BY EACH COMMITTEE'S CHAIRPERSON OR TREASURER.

11 5. THE NAMES OF PERSONS WHO HAVE SIGNED ARGUMENTS AND THE NAMES OF
12 SPONSORING ORGANIZATIONS SHALL APPEAR WITH THE ARGUMENT IN THE PAMPHLET. THE
13 PERSON OR PERSONS SIGNING THE ARGUMENT SHALL ALSO GIVE THEIR RESIDENCE OR
14 POST OFFICE ADDRESS AND A TELEPHONE NUMBER, WHICH SHALL NOT APPEAR IN THE
15 PAMPHLET.

16 E. IN ADDITION TO ANY OTHER BALLOT REQUIREMENTS PRESCRIBED BY LAW, THE
17 ELECTIONS DIRECTOR SHALL CAUSE THE FOLLOWING TO BE PRINTED ON THE OFFICIAL
18 BALLOT:

19 1. THE DESIGNATION OF THE MEASURE AS FOLLOWS: "RELATING TO COUNTY
20 TRANSPORTATION EXCISE (SALES) TAXES".

21 2. INSTRUCTIONS DIRECTING THE VOTER TO THE FULL TEXT OF THE OFFICIAL
22 AND DESCRIPTIVE TITLES CONTAINING THE SUMMARY AS PRINTED IN THE SAMPLE BALLOT
23 AND POSTED IN THE POLLING PLACE. THE BALLOT MAY INCLUDE THE SUMMARY OF THE
24 REGIONAL TRANSPORTATION PLAN.

25 3. THE QUESTIONS SUBMITTED TO THE VOTERS AS FOLLOWS:

26 I. DO YOU APPROVE THE REGIONAL TRANSPORTATION PLAN FOR
27 _____ COUNTY? YES _____ NO _____

28 (A "YES" VOTE INDICATES YOUR APPROVAL OF THE PROPOSED REGIONAL
29 TRANSPORTATION PLAN AS DEVELOPED BY THE REGIONAL TRANSPORTATION
30 AUTHORITY AND DESCRIBED IN THE ELECTION MATERIALS.)

31 (A "NO" VOTE INDICATES YOUR DISAPPROVAL OF THE PROPOSED REGIONAL
32 TRANSPORTATION PLAN.)

33 II. DO YOU FAVOR THE LEVY OF A TRANSACTION PRIVILEGE
34 (SALES) TAX FOR REGIONAL TRANSPORTATION PURPOSES IN _____
35 COUNTY? YES _____ NO _____

36 (A "YES" VOTE HAS THE EFFECT OF IMPOSING A TRANSACTION PRIVILEGE
37 (SALES) TAX IN _____ COUNTY FOR _____ YEARS TO PROVIDE
38 FUNDING FOR THE TRANSPORTATION PROJECTS CONTAINED IN THE
39 REGIONAL TRANSPORTATION PLAN.)

40 (A "NO" VOTE HAS THE EFFECT OF REJECTING THE TRANSACTION
41 PRIVILEGE (SALES) TAX FOR TRANSPORTATION PURPOSES IN _____
42 COUNTY.)

43 FOR EITHER BALLOT QUESTION I OR II TO BE APPROVED, BOTH THE
44 PROPOSED REGIONAL TRANSPORTATION PLAN AND THE PROPOSED TRANSACTION PRIVILEGE
45 TAX MUST BE APPROVED BY A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE

1 MEASURE. IF EITHER BALLOT QUESTION I OR II FAILS TO BE APPROVED BY A
2 MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE MEASURE, BOTH FAIL.

3 G. EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION, THE ELECTION UNDER
4 THIS SECTION SHALL BE CONDUCTED AS NEARLY AS PRACTICABLE IN THE MANNER
5 PRESCRIBED FOR GENERAL ELECTIONS IN TITLE 16.

6 H. THE COUNTY ELECTION OFFICER SHALL ACCOUNT FOR COSTS SPECIFICALLY
7 INCURRED WITH RESPECT TO THE BALLOT ISSUE UNDER THIS SECTION. REGARDLESS OF
8 THE OUTCOME OF THE ELECTION, AND NOTWITHSTANDING ANY OTHER LAW, THE STATE
9 TREASURER SHALL PAY THE COSTS LISTED IN THIS SUBSECTION SPECIFICALLY INCURRED
10 WITH RESPECT TO THE BALLOT ISSUE. PAYMENT SHALL BE MADE UNDER THIS SECTION
11 FROM THE CITIES' SHARE OF LOCAL TRANSPORTATION ASSISTANCE FUND MONIES
12 DISTRIBUTED UNDER SECTION 28-8102 TO THE CITIES AND TOWNS WITHIN THE COUNTY,
13 AND FROM THE COUNTY'S SHARE OF THE COUNTY ASSISTANCE FUND UNDER SECTION
14 41-175. IF THE TRANSPORTATION EXCISE TAX IS APPROVED, THE REGIONAL
15 TRANSPORTATION AUTHORITY SHALL REIMBURSE THE LOCAL TRANSPORTATION ASSISTANCE
16 FUND AND THE COUNTY ASSISTANCE FUND FROM THE FIRST RECEIVED TRANSPORTATION
17 EXCISE TAX REVENUES. THE FOLLOWING COSTS INCURRED BY THE COUNTY ELECTIONS
18 OFFICER ARE AUTHORIZED FOR PAYMENT PURSUANT TO THIS SUBSECTION:

19 1. COSTS OF MAILING, PUBLISHING, POSTING AND PRINTING BALLOTS,
20 PUBLICITY PAMPHLETS, NOTICES, ELECTION MATERIALS AND OTHER MATTERS CONCERNING
21 THE ELECTION.

22 2. LEGAL AND OTHER CONSULTING FEES AND COSTS RELATING TO THE ELECTION.

23 3. TELECOMMUNICATIONS COSTS.

24 4. COMPENSATION OF THE ELECTION BOARD, COUNTY ELECTION OFFICERS AND
25 EMPLOYEES AND OTHER LABOR COSTS INCURRED TO ADMINISTER, HOLD, CANVASS AND
26 ANNOUNCE THE RESULTS OF THE ELECTION.

27 5. ANY OTHER COSTS ATTRIBUTABLE TO THE ELECTION.

28 48-5315. Utility relocation reimbursement; definition

29 A. IF COUNTY TRANSPORTATION EXCISE TAX MONIES COLLECTED PURSUANT TO
30 SECTION 42-6106 ARE USED TO CONSTRUCT A LIGHT RAIL SYSTEM UNDER THE REGIONAL
31 TRANSPORTATION PLAN, ALL COSTS FOR THE RELOCATION, AND REASONABLE ONGOING
32 COSTS RELATED TO THE RELOCATION, OF UTILITY FACILITIES INCURRED AS A DIRECT
33 RESULT OF THE CONSTRUCTION AND OPERATION OF THE LIGHT RAIL SYSTEM SHALL BE
34 REIMBURSED BY THE LIGHT RAIL PROJECT TO THE UTILITY. THE BOARD SHALL MAKE
35 THE PAYMENTS FROM TRANSPORTATION EXCISE TAX REVENUES WITHIN NINETY DAYS AFTER
36 PRESENTATION OF A STATEMENT OF VERIFIED EXPENSES. THE STATEMENT OF VERIFIED
37 EXPENSES SHALL NOT INCLUDE PROFIT BUT MAY INCLUDE A REASONABLE ALLOCATION OF
38 GENERAL OVERHEAD. THE VERIFIED EXPENSES MAY BE REVIEWED AND AUDITED BY THE
39 LIGHT RAIL OPERATOR. THE AUDIT MUST BE CONCLUDED WITHIN NINETY DAYS AND
40 SHALL BE CONDUCTED PURSUANT TO STANDARD INDUSTRY ACCOUNTING PRINCIPLES.

41 B. IF THE RELOCATED UTILITY HAS EXISTING LAND RIGHTS, THE LIGHT RAIL
42 OPERATOR SHALL RELOCATE THE UTILITY WITH EQUAL LAND RIGHTS. IF THE RELOCATED
43 UTILITY IS OPERATING IN THE RIGHT OF WAY UNDER A PERMIT, THE LIGHT RAIL
44 OPERATOR SHALL RELOCATE THE UTILITY ACCORDING TO THE UTILITY'S EXISTING
45 RIGHTS UNDER THE PERMIT WITHIN THE RIGHT OF WAY.

1 C. THE LIGHT RAIL OPERATOR SHALL BE FULLY RESPONSIBLE FOR ACTS,
2 NEGLIGENCE OR OMISSIONS OF ALL OF ITS EMPLOYEES ON THE PROJECT THAT RESULT
3 IN DAMAGE TO UTILITY FACILITIES.

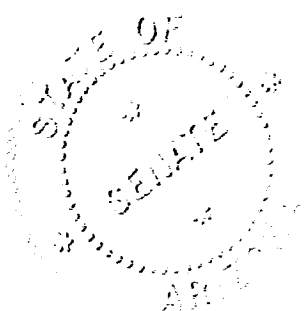
4 D. FOR THE PURPOSES OF THIS SECTION, "UTILITY" MEANS ANY PUBLIC
5 SERVICE CORPORATION, LICENSED CABLE TELEVISION SYSTEM, TELEPHONE LINE OR
6 TELEGRAPH LINE CORPORATION OR PERSON ENGAGED IN THE GENERATION, TRANSMISSION
7 OR DELIVERY OF ELECTRICITY, NATURAL GAS, TELEPHONE, CABLE TELEVISION,
8 TELEGRAPH OR WATER SERVICE, INCLUDING THIS STATE OR ANY POLITICAL SUBDIVISION
9 OR AGENCY OF THIS STATE.

10 Sec. 8. Intent regarding expenditure limitations

11 Monies collected pursuant to a county transportation excise tax
12 pursuant to section 42-6106, Arizona Revised Statutes, as amended by this
13 act, that are spent according to the purposes described in article IX,
14 section 20, subsection (3), paragraph (d), subdivisions (i) and (viii),
15 Constitution of Arizona, are exempt from the jurisdiction's expenditure
16 limitation.

APPROVED BY THE GOVERNOR APRIL 23, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2004.



Passed the House February 10, 2004,

Passed the Senate April 13, 2004,

by the following vote: 40 Ayes,

by the following vote: 26 Ayes,

19 Nays, 1 Not Voting

4 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Ken Bennett
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmion Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

H.B. 2507

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 19, 2004,

by the following vote: 40 Ayes,

16 Nays, 4 Not Voting

Jack Elake
Speaker of the House

Spelman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2004,

at 2:30 o'clock P. M.

Jennifer Upbarba
Secretary to the Governor

Approved this 23 day of

April, 2004,

at 2⁰⁰ o'clock P. M.

J. T. Nagel
Governor of Arizona

H.B. 2507

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2004,

at 3:05 o'clock P. M.

Janice K. Brewer
Secretary of State